

**ASSEMBLY BILL**

**No. 1513**

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**Introduced by Assembly Member Allen**

January 13, 2012

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An act to amend Section 114257 of, and to add Section 113862 to, the Health and Safety Code, relating to retail food facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1513, as introduced, Allen. Retail food facilities: playground sanitation.

Existing law, the California Retail Food Code, regulates retail food facilities to safeguard public health and requires local enforcement to enforce its provisions. Existing law requires that all premises of a food facility be kept clean, fully operative, and in good repair. A violation of these provisions is punishable as a misdemeanor.

This bill would include food facility playgrounds, as defined, within the requirement that the food facilities be kept clean, fully operative, and in good repair.

This bill would also require a retail food facility with a playground to produce a record of the playground's maintenance policy and inspection record.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 113862 is added to the Health and Safety  
2 Code, to read:

3 113862. "Playground" means an improved area designed,  
4 equipped, and set aside for children's play that is not intended for  
5 use as an athletic playing field or athletic court, and shall include  
6 any playground equipment, fall zones, surface materials, access  
7 ramps, and all areas within and including the designated enclosure  
8 and barriers.

9 SEC. 2. Section 114257 of the Health and Safety Code is  
10 amended to read:

11 114257. (a) All premises of a food facility, *including indoor*  
12 *and outdoor playgrounds*, shall be kept clean, fully operative, and  
13 in good repair.

14 (b) *A retail food facility with a playground shall display, or*  
15 *provide upon request, the retail food facility's policy on playground*  
16 *maintenance and dates on which the playground was last inspected*  
17 *and cleaned.*

18 SEC. 3. No reimbursement is required by this act pursuant to  
19 Section 6 of Article XIII B of the California Constitution for certain  
20 costs that may be incurred by a local agency or school district  
21 because, in that regard, this act creates a new crime or infraction,  
22 eliminates a crime or infraction, or changes the penalty for a crime  
23 or infraction, within the meaning of Section 17556 of the  
24 Government Code, or changes the definition of a crime within the  
25 meaning of Section 6 of Article XIII B of the California  
26 Constitution.

27 However, if the Commission on State Mandates determines that  
28 this act contains other costs mandated by the state, reimbursement  
29 to local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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